

1 letter?

2 A. No. Because all of the jobs I applied
3 for, I sent them certified mail. So all
4 of them are listed.

5 Q. Okay. So every job that you would have
6 applied for that summer, you have in
7 some way reflected on this document?

8 A. Yes. All of those were -- that I
9 qualified for.

10 Q. So is it fair to say then, that you have
11 included every job on this claim of
12 discrimination that you applied for,
13 regardless of who was awarded the
14 position?

15 A. Every job that's on here is every job
16 that I applied for that I met the
17 qualifications.

18 Q. So is it your testimony that you should
19 have been given any of the jobs you
20 applied for over the person who was
21 actually awarded the position?

22 MR. PATTY: Object to the
23 form.

1 A. I could have been given the opportunity
2 to interview.

3 Q. Okay. Well, do you know -- in looking
4 at No. 2, September 1st, 2003, do you
5 know who determined who would be
6 interviewed for those positions?

7 A. I would assume, according to best
8 practice, that would be a decision from
9 Human Resources.

10 Q. What do you mean when you say "according
11 to best practice"?

12 A. You have best practice procedures in any
13 organization, what you would define as
14 the most logical, most ethically sound
15 premise to base your decision. So when
16 I say best practice, the best possible
17 approach would have come from Human
18 Resources to make those decisions of who
19 we screen for interviews and who we
20 interview.

21 Q. Okay. Well, aside from what you think
22 the best practice is, do you know,
23 sitting here today, who determined or

1 who ascertained what people would be
2 interviewed for the educational
3 specialist or these other jobs that are
4 listed here?

5 A. That's a Human -- it's supposed to be a
6 Human Resource issue.

7 Q. Do you know who actually conducted the
8 interviews?

9 A. I was not afforded the interview, so I
10 wouldn't know who interviewed. I'm just
11 assuming that it would be Human
12 Resources or their decision.

13 Q. Do you know if all applicants were
14 afforded an interview, or there were
15 some applicants, along with you, who
16 were not awarded an interview?

17 A. I wouldn't have any -- I wouldn't have
18 that information.

19 Q. And you can't, sitting here today,
20 compare your qualifications with any of
21 the people who got these jobs?

22 A. Some of the people that don't have the
23 educational background that I, and

1 that's one of the qualification when you
2 start ranking. Some of them I would
3 know. Others, I would not. But if
4 there's a set system that you're using,
5 it's not a problem.

6 Q. Do you know what qualities or
7 characteristics the Board was looking
8 for when they hired the positions you've
9 listed here in No. 2?

10 A. None other than what's listed on the job
11 announcement.

12 Q. No. 3 says you applied for the
13 administrative assistant position at
14 Robert E. Lee High School and that you
15 were never given an interview?

16 A. That is correct.

17 Q. Do you know who was given that job?

18 A. I don't know.

19 Q. Do you know the race of that person?

20 A. I don't know.

21 Q. Do you know the sex of that person?

22 A. I don't know. I want to say -- and I
23 may stand corrected, the person that

1 reports may defend this -- I want to say
2 a white female received that position.

3 Q. You're just basing that on memory?

4 A. From personnel reports, yes.

5 Q. Do you know what your qualifications
6 were compared to her?

7 A. I was either in the process of
8 completing my Specialist or had
9 completed it or -- I was certified. I
10 clearly met the qualifications.

11 Q. Okay. In the Summer of 2003, had you
12 ever been in an administrative position
13 anywhere?

14 A. No.

15 Q. In the Summer of 2003, had you ever
16 worked in a high school?

17 A. No.

18 Q. No. 4 says September the 17th, 2003,
19 that you applied for an Education
20 Specialist position in the Office of
21 Student and Community Services, that you
22 didn't receive an interview, and that
23 Susan Terrell received the position.

1 What is --

2 A. Yes.

3 Q. That's a female, I guess.

4 A. White female, yes.

5 Q. White female. Do you know anything
6 about her qualifications?

7 A. No, I don't.

8 Q. Do you know how they decided who would
9 be interviewed for the position?

10 A. No, I don't.

11 Q. Do you know whether all applicants were
12 interviewed, other than yourself?

13 A. No, I don't.

14 Q. Did you list this Education Specialist
15 position -- is that different than the
16 one you've listed two spaces up?

17 A. It's a different one, yes. Different
18 department, yes.

19 Q. I'm sorry. Did I already ask you this:
20 Do you know what Susan Terrell's
21 qualifications are?

22 A. You did. And I told you I don't know.

23 Q. Okay. I'm sorry. No. 5, September

1 17th, 2003, you applied for a teacher
2 position at Brewbaker Intermediate
3 School. It says you interviewed, but
4 that you received negative verbal
5 feedback from the administrator during
6 the interview? Tell me what happened
7 there.

8 A. Ms. Debra Clark (phonetic) interviewed
9 me. She told me that she didn't think
10 that I would work out at Brewbaker. She
11 said, I think you're geared towards
12 something in administration, and,
13 Melvin, you need to keep working on
14 that. We ended -- the interview didn't
15 take thirty minutes. Later that
16 afternoon, Ms. Virginia Browder notified
17 my mother that Ms. Clark said she wasn't
18 going to hire Melvin, because she didn't
19 want her students beat.

20 Q. So based on that information, was it
21 your feeling that she didn't want to
22 hire you because of the allegations
23 against you at Southlawn?

1 A. Well, when you look at those
2 allegations, that should have been
3 privileged information. How did
4 everybody have knowledge of that?

5 Q. I understand that. But did you feel
6 that's what she was talking about when
7 she made that comment?

8 A. Possibly.

9 Q. Did she make any comment about your race
10 or your sex?

11 A. No.

12 Q. Did she make any comment about your
13 mom's prior claim against the school
14 board?

15 A. No.

16 Q. Looking at the next one, September
17 17th, 2003, you applied for a teacher
18 position at McKee, and you never
19 received an interview. Who was the
20 principal at McKee that year?

21 A. Ms. Lillian Sanders.

22 Q. And she did not interview you?

23 A. No. This was when she clarified to me

1 and my mother that, I don't want you-all
2 mad at me, but Ms. Hicks talked me out
3 of hiring Melvin. But she was at --

4 Q. Okay. You told me that was in 1999.

5 Did that happen again or are you --

6 A. No. This was when she told us what
7 happened in 1999.

8 Q. Okay. Okay, I'm sorry. So in 2003, you
9 didn't interview with her, but you had a
10 conversation?

11 A. She ran into us at the mall. And this
12 is what she told us, the reason that
13 when I applied for this job. Because I
14 even faxed my information to the school
15 to her. And she communicated this to me
16 during the Summer of '03.

17 Q. And what did she say again?

18 A. She just said that, I don't want y'all
19 mad with me, but Ms. Hicks kinda talked
20 me out of hiring Melvin when I was at
21 Hayneville Road.

22 Q. And I think you've already told us what
23 Ms. Hicks allegedly said to her; is that

1 correct?

2 A. I don't know what Ms. Hicks said to her,
3 but Ms. Sanders said she talked her out
4 of hiring me.

5 Q. The next one says June 3rd -- 30th,
6 excuse me, 2003, you submitted a letter
7 of reactivation of my employment
8 application for positions with
9 Montgomery County Public Schools, and
10 you never received an interview. Tell
11 me what you mean by that.

12 A. I want to say that is where I sent a
13 letter asking to get my file to be
14 reactivated and positioned for
15 interview. And it never took place. I
16 never received any interviews.

17 Q. That's the summer that you didn't
18 receive any interviews until you
19 interviewed the day before school
20 started?

21 A. Yes.

22 Q. Okay. And is it your contention here
23 that you were not interviewed during

1 that summer, up until that day, because
2 of your race or sex?

3 A. Yes.

4 Q. Okay. And tell me, if you would, what
5 evidence you have that you were not
6 given interviews during the course of
7 that summer because of your race or your
8 sex?

MR. PATTY: Object to the
form.

11 A. What other reason? I mean, you have a
12 string of jobs here that I didn't even
13 get an interview for, so what other
14 reason? I mean, I'm throwing that as a
15 rhetorical, but what other reason? I
16 was certified. I wasn't a convict.

17 Q. Did you ever feel like it was because of
18 what happened at Southlawn or the other
19 schools?

20 A. No. Because what happened at Southlawn
21 was privileged information. It was not
22 public knowledge. And as far as --

23. C At least one of these other teachers

1 knew about it; did they not?

2 A. One of the other teachers where?

3 Q. One of the teachers we just talked about
4 you said told somebody that she didn't
5 hire you because she didn't want you to
6 beat up her students?

7 A. That was the principal.

8 Q. Oh, excuse me. One of the other
9 principals, excuse me.

10 A. The principal. Now, how they knew about
11 it, I'm puzzled with that myself. And
12 as far as what happened at any other
13 schools, what I said earlier, I never
14 got any letters of reprimand, any verbal
15 reprimands, so who was saying all of
16 this, and where is it coming from?

17 Everybody knows more about it than me,
18 and I was the one who was there.

19 Q. Okay. On No. 8, it says for clarity and
20 explanation for the above, at this
21 particular time you had accepted a
22 teaching job in Bullock County. It says
23 that under the direction of your

1 attorney, Julian McPhillips, that you
2 applied for all of the above-listed
3 positions via certified mail. And at
4 the beginning of the school year for
5 2003-2004, that you returned to Bullock
6 County. And then October of 2004, was
7 interviewed for a reading coach position
8 in Montgomery County at Daisy Lawrence
9 Elementary Alternative School.

10 Was Mr. McPhillips helping you
11 draft this information at the time?

12 A. I was under his advice.

13 Q. Okay. That's fair enough. It says the
14 school board at the rate of pay as a
15 tutor-teacher hired you. However, you
16 were assigned and performed reading
17 coach duties. And the salary matrix for
18 reading coaches is greater than that of
19 a teacher and a tutor-teacher. And I
20 know that before lunch we already talked
21 about that a good bit. And, I guess I
22 want for clarification, you to tell me,
23 if you can, who told you that you were

1 going to be a reading coach, every
2 person that told you that.

3 A. Dr. Owens was the person who positioned
4 me about the reading coach position. He
5 was the one who interviewed me about the
6 reading coach position. And Mr. Barker
7 was the first person who ever told me
8 anything about a reading coach position.

9 Reading coach positions was a
10 new concept to instruction. And I knew
11 nothing about a reading coach when I was
12 in Bullock County.

13 Q. At the time that you actually got the
14 job and began to be paid for the job,
15 you understood, though, that it wasn't a
16 reading coach position, correct?

17 A. Once I got back to Mr. Barker's office
18 to sign the contract --

19 Q. Right.

20 A. -- it was clear that it was changed, and
21 it wasn't a reading coach position.

22 Q. So at the time that you signed your
23 contract and began that job, you

1 understood you were not in a reading
2 coach position?

3 A. Even to the point when I got back to
4 Daisy Lawrence, when I was still tasked
5 with those responsibilities from the
6 school and from central office to
7 perform reading coach duties.

8 Q. So then, this correspondence to the EEOC
9 picks up in May of 2004. So during the
10 '03-'04 school year, it's your
11 contention that you performed the duties
12 of a reading coach?

13 A. Yes, it is.

14 Q. How do you know that your duties were
15 specifically what a reading coach would
16 do if you didn't know anything about
17 what a reading coach did?

18 A. Well, I read -- okay. When you were
19 tasked to go to all of the meetings with
20 the reading coaches, attend the
21 leadership meetings with the reading
22 coaches and the principals; when you
23 perform the same duties as other reading

1 A. Okay.

2 Q. -- what your position is about the fact
3 that you were acting as a reading coach
4 or being a reading coach and not paid as
5 one or given a job as one. I gotcha on
6 that.

7 I want to talk about, now, you
8 know, why you believe that happened and
9 what evidence you have to support that.
10 You've said it was not about your sex,
11 that it was about the fact that you were
12 Melvin Lowe. And my question is: What
13 do you mean by that?

14 A. Well, it's both. Mr. Barker told me
15 when I asked him, when I got ready to
16 sign my contract, This says you want me
17 to put on here tutor-teacher or reading
18 tutor, whatever the contract has. And I
19 said, This is not what Dr. Owens
20 interviewed me for. Mr. Barker said,
21 Well, Melvin, you followed the wrong
22 procedures, you know we don't operate
23 like that. It's a reading tutor. And I

1 Q. That's fine.

2 A. Okay.

3 Q. Okay. And what about with Carolyn
4 Hicks?

5 A. Absolutely not.

6 Q. Okay. What about with Dr. Carter?

7 A. Mr. Carter, again, never agreed or never
8 met with me.

9 Q. What about with anybody else, anybody
10 that you can tell us about, sitting here
11 today, that gave you information that
12 you weren't interviewed during that
13 summer or that you were treated poorly
14 about your position as a reading coach
15 as opposed to a teacher, because of your
16 race, your sex, or your momma's prior
17 claim against the school?

18 A. I mean, you're going -- we kinda look
19 like we're flipping. Because, see, when
20 I first told -- when I'm telling you,
21 no, we had limited conversations, I'm
22 talking about that first summer after
23 Southlawn. What -- you're not talking

1 about that summer. You're talking about
2 this last summer?

3 Q. Yes, sir. I'm talking about the summer
4 after you worked for a year, so I'm --

5 A. That's when I -- you're talking about
6 the full year --

7 MR. PATTY: She's talking
8 about the Summer of
9 2003, is what I
10 understood.

11 MRS. CARTER: Yeah, that's
12 what --

13 A. After I worked the full year back for
14 Montgomery County?

15 Q. Because I understand --

16 MR. PATTY: No, she
17 didn't -- full year in
18 Bullock County, and you
19 were trying to come
20 back.

21 A. Oh, no, absolutely not. Absolutely not.
22 I didn't have --

23 Q. I think we're talking about the same

1 summer, but I'm not --

2 A. Now I think we are.

3 Q. Okay.

4 A. Okay. No, absolutely not.

5 Q. Because if I understand your testimony
6 right, the Summer of 2002, after you
7 were nonrenewed, you didn't really apply
8 for jobs or have communications with
9 folks here --

10 A. Huh-uh (negative response). That's what
11 I said. It was limited.

12 Q. -- you went on to Bullock County?

13 A. Uh-huh (affirmative response).

14 Q. We're now in the next summer where you
15 did apply for these jobs that we just
16 went over.

17 A. Okay. I got confused with these
18 summers. Okay. Now, yes. Let me make
19 sure I'm answering the right thing.
20 Because these summers are throwing me
21 off. Because I'm referring to them as
22 one after the full year, and we're not
23 talking about the full year. You were

1 talking about before then. Okay.

2 Q. I'm talking about you taught in Bullock
3 County the '02-'03 school year --

4 A. Uh-huh (affirmative response).

5 Q. -- and then the summer of '03, you
6 applied for all these jobs.

7 A. Okay.

8 Q. It's part of your claim. You didn't get
9 them or didn't get interviewed for them.

10 A. Oh, no, I didn't talk to anybody.

11 Q. Okay. That summer --

12 A. Uh-huh (affirmative response).

13 Q. -- did you have a conversation with
14 Mr. Barker or Dr. Carter or anybody else
15 up there, or any teacher or principal,
16 that gave you any information that the
17 reason you weren't interviewed for these
18 jobs or given these jobs was because of
19 your race, your sex, or your mom's
20 claims against the school?

21 A. No. I was advised not to have any
22 contact with anyone.

23 Q. Okay. And you were represented by

1 counsel at that point?

2 A. Yes.

3 Q. And then, I would ask the same questions
4 about, not the summer, but now we're at
5 the time where you're actually getting
6 the position; you're getting the job.
7 You're talking to Mr. Barker; there's
8 this conversation between y'all, because
9 you believe you're supposed to be
10 getting a reading coach position; and
11 he's saying to you that's not the job --
12 (Inhalation response)

A. Uh-huh (affirmative response).

13 Q. -- during that conversation or during
14 that time period in October, did you
15 have conversations with anybody who gave
16 you any information that any of this
17 stuff had occurred because of your race,
18 your sex, or the claims that your
19 momma --

20 A. Not in October --

MR. PATTY: Objection. Go ahead.

23 A Not in -- to answer your question, not

1 that's part of the problem.

2 Then Dr. Owens, over the
3 summer, kept -- the same thing, saying
4 to me over and over again, that this is
5 the reason, you know, you're having
6 these problems. And just over and over
7 and over.

8 I then began -- I'm sorry.

9 Q. Okay. Go ahead. Go ahead.

10 A. -- to talk to Mr. Barker when I
11 started -- that summer, I noticed that
12 certain jobs were being filled that had
13 not been advertised, certain people
14 didn't have certain certifications, and
15 they were acting in such capacities.
16 And we then started trying to see -- I
17 thought Mr. Barker was trying to help me
18 secure a position. And then I started
19 getting maybe more than one, but one in
20 particular, recommendation for a
21 position, for an administrative
22 assistant's position at McKee Junior
23 High.

1 Q. Okay. Let me stop you right there.

2 A. Okay. And go back.

3 Q. Let me stop you. I think that we're on
4 the same page now to kind --

5 A. I think so, finally.

6 Q. -- to kind of move forward with this,
7 which is better for us to work it out
8 now.

9 So we're in the Summer of '04,
10 you've completed that year, and they
11 attempt to nonrenew you?

12 A. Yes.

13 Q. But they don't get it right, and so you
14 don't get nonrenewed, and you end up
15 getting reassigned back at Daisy
16 Lawrence. But during that summer, you
17 applied for other jobs?

18 A. Yes.

19 Q. And these are the ones that are on here?

20 A. Yes.

21 Q. Okay.

22 MR. PATTY: When you get to
23 a point, we've been

1 A. Yes.

2 Q. -- like that open that year, and you did
3 not get an interview for any of them?

4 A. No, I did not.

5 Q. Do you know who interviewed?

6 A. No, I don't.

7 Q. Do you know if all applicants
8 interviewed?

9 A. I wouldn't know.

10 Q. Okay. June 4, 2004, Education
11 Specialist of Office of Curriculum and
12 Instruction. You were never
13 interviewed, and two women filled the
14 position?

15 A. Yes.

16 Q. Were they black or white?

17 A. Two white women.

18 Q. Okay. Do you know who all interviewed
19 for the position?

20 A. I want to say -- I won't speculate.
21 Probably nobody but those two.

22 Q. Okay. Do you know?

23 A. No, I don't.

1 Q. Okay. Do you know who made the decision
2 of who would be recommended for those
3 positions?

4 A. It should have been a Human Resource
5 issue or recommendation.

6 Q. Okay. Do you know who made the
7 recommendation, that that's who the
8 board hired, or made the recommendation
9 to Mr. Barker?

10 A. I would assume it would have been a
11 Human Resource decision.

12 Q. Okay. Applied for the position of
13 Title I Educational Specialist in
14 Professional Development. A woman
15 filled the position. Same question: Do
16 you know her qualifications?

17 A. No, I don't.

18 Q. Do you know who else interviewed for
19 that job?

20 A. No, I don't.

21 Q. Do you know who selected who would be
22 interviewed?

23 A. No, I don't. I assume it was a Human

1 Resource decision.

2 Q. You don't know who participated in the
3 interview with her?

4 A. No, I don't.

5 Q. All right. June 11th, 2004, Title I
6 Program Evaluator. You never received
7 an interview and the position has not
8 been filled?

9 A. At that time, I was instructed this
10 position had not been filled.

11 Q. Okay. But you weren't given an
12 interview?

13 A. No, I wasn't.

14 Q. After you wrote this, did they fill the
15 job?

16 A. I don't know. I would have to look at
17 personnel minutes.

18 Q. Do you know why the job wasn't filled at
19 the time?

20 A. I have no idea.

21 Q. Do you know who made the decision of who
22 to interview?

23 A. I'm assuming it was a personnel issue.

1 Q. June 24th, 2004. Title I Teacher-Tutor.
2 Skills Lab at Houston Hill Junior High
3 School. And it says that you were never
4 interviewed. Do you know who chose the
5 people that would be interviewed?

6 A. I don't know. But the principal,
7 Mr. Cochran (phonetic), told me that he
8 had already filled the position. And
9 when he filled the position, I didn't
10 elaborate too much. But I went to
11 Mr. Cochran. The job announcement
12 hadn't even come out yet. I just kind
13 of caught wind that it's going to come
14 out tomorrow, and you're telling me
15 you've already filled the position.

16 Q. Okay. Do you think the fact that
17 Mr. Cochran had already filled that
18 position had anything to do with you?

19 A. It would have had to do with anybody,
20 black, white, Indian, if you didn't have
21 an opportunity to actively participate
22 in the interview process.

23 Q. All right. June 25th, 2004, applied